

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division

HEATHER THOMPSON SHAI,

Plaintiff

v.

Case No. WMN 02-CV-335

COMSYS INFORMATION TECH-
NOLOGY SERVICES, INC.,

Defendant

OPPOSITION TO PETITION FOR ATTORNEY'S FEES
OR, IN THE ALTERNATIVE, MOTION FOR RELIEF FROM JUDGMENT

Defendant COMSYS Information Technology Services, Inc. ("COMSYS")

opposes the Petition for Attorney's Fees filed by Plaintiff Heather Thompson Shai ("Ms. Shai"), and in the alternative moves pursuant to Rule 60, F.R.Civ.P., for relief from the Judgment previously entered by this Court pursuant to Rule 68, F.R.Civ.P. As reasons therefor, COMSYS states:

1. The Petition seeks attorney's fees after a judgment extinguishing Ms. Shai's claim for attorney's fees had already been entered;
2. Ms. Shai has no legitimate basis for claiming attorney's fees;
3. In the alternative, there was a mutual mistake between the parties as to the meaning of the Rule 68 offer preceding judgment, and the judgment should be vacated, so that all claims, including any claim by Ms. Shai for attorney's fees, can be entertained in the context of a fully tried case.

These reasons are more fully set forth in the enclosed Memorandum.

A proposed Order embodying the preferred form of relief is submitted herewith.

/s/
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Information Technology Services, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of October, 2003, a copy of the
aforegoing was sent by electronic filing, to:

Douglas Taylor, Esq.
Mary Henry, Esq.
Farber Taylor, LLC
1 Central Plaza
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Rockville, Maryland 20852-3010

/s/
Jack L. B. Gohn

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